REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed January 29, 2009. At the time of the Office Action, Claims 12-24 were pending in this Application. Claims 12-24 were rejected. Claims 12, 14, 18, 20, and 24 have been amended. To clarify one editorial mark, Claim 12 was amended to replace "MMS_data" with "MMS data" in order to remove the extraneous underscore character. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 12-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Publication No. WO 02/43414 by Miraj Mostafa ("*Mostafa*") in view of U.S. Patent Application Publication No. 2002/0056123 by Gad Liwerant et al. ("*Liwerant*") (together, "the proposed *Mostafa-Liwerant* combination"). Applicants have amended their claims and submit the cited art combination, even if proper, which Applicants do not concede, does not render the claims obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The proposed *Mostafa-Liwerant* combination fails to teach each and every element of Applicants' claims as amended. For example, the proposed *Mostafa-Liwerant* combination fails to teach at least the following features of independent Claim 12:

> automatically updating a preexisting link in the MMS data linking the different data elements, including the at least one converted data element within the MMS data, after the conversion, to maintain a validity of the preexisting link in the MMS data between the different data elements.

Specifically, the proposed *Mostafa-Liwerant* combination fails to teach *automatically updating a preexisting link in the MMS data linking the different data elements* to *maintain a validity of the preexisting link*.

The Examiner argues that *Liwerant* provides an applicable teaching:

> The Examiner considers changing the identifier 1 to an identifier 2 as an update process to maintain the validity of the link (identifier 1) and was converted to a second format changing the identification to identifier 2. Now, *the sender A can provide the identifier (identifier 2) to another viewer*.

Office Action at 3 (emphasis added). However, the Examiner's argument illustrates how *Liwerant* teaches quite a different approach. *Liwerant* describes a process wherein a Sender sends a message containing a media file to a server. The server converts the media file into a streaming media file and returns an email message to the Sender with a link to the streaming media file. The Sender can then send a new email to a recipient containing a link to the streaming media file. The process described in *Liwerant* does not *automatically update* a *preexisting link*, but instead generates a link to a streaming media server hosting the media file contents that the Sender can then include in a new email.

Even if a person of ordinary skill in the art would consider the teachings of *Liwerant* in view of *Mostafa*—a proposition Applicants dispute—that person would issue a *new link*, which is external to the message, for each data conversion. The issuance of a new link would defeat one of the primary benefits of the claimed invention, the automatic conversion of MMS data, en route to a recipient, such that the MMS data may be viewed on the recipient's device by accessing the updated link in the MMS data without needing to access any external or later sent links. If the recipient is required to wait for a later sent link before viewing any converted MMS data, the benefit of the claimed invention is lost. Alternatively, requiring the sender to request a data conversion and send along a new link would also defeat this benefit.

For at least these reasons, independent Claim 12 is allowable over the proposed *Mostafa-Liwerant* combination. Therefore Applicants respectfully request reconsideration and allowance of Claim 12 and Claims 13–17 that depend from Claim 12.

In another example, the proposed *Mostafa-Liwerant* combination fails to teach at least the following features of independent Claim 18:

> an apparatus for receiving the data from the first subscriber terminal wherein the apparatus performs at least one of a data type and a data format conversion on at least one of the data elements in accordance with a profile of a second subscriber terminal which is to receive the data, and automatically updates a preexisting link in the MMS data linking the different data elements, including the at least one converted data element within the MMS data, after the conversion, to maintain a validity of the preexisting link in the data between the different data elements.

For at least the same reasons discussed above with respect to independent Claim 12, the proposed *Mostafa-Liwerant* combination fails to teach an apparatus that *automatically updates a preexisting link in the MMS data linking the different data elements* to *maintain a validity of the preexisting link*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 18 and Claims 19–23 that depend from Claim 18.

In another example, the proposed *Mostafa-Liwerant* combination fails to teach at least the following features of independent Claim 24:

> to automatically update a preexisting link in the MMS data linking the different data elements, including the at least one converted data element within the MMS data, after the conversion, to maintain a validity of the preexisting link in the data between different data elements prior to the data being sent to the further subscriber.

For at least the same reasons discussed above with respect to independent Claim 12, the proposed *Mostafa-Liwerant* combination fails to teach a computer program enabled to *automatically update a preexisting link in the MMS data linking the different data elements* to *maintain a validity of the preexisting link*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 24.

In view of the above amendments and arguments, Applicants' respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn. Applicants respectfully submit that the dependent claims are allowable at least to the extent of the independent claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance

of the dependent claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. § 103(a), including any arguments made earlier in this case.

Request for Continued Examination

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal, along with a Petition for Extension of Time. The Commissioner is authorized to charge any fees required to Deposit Account 50-4871 in order to effectuate these filings.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants submit a Request for Continued Examination. The Commissioner is authorized to charge the fee of $810.00 required to Deposit Account 50-4871 of King & Spalding LLP in order to effectuate this filing. Applicants also submit a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of $130.00 required to Deposit Account 50-4871 of King & Spalding LLP in order to effectuate this filing.

Applicants believe there are no additional fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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